

FILED
2021 SEP 15 PM 2:13
CLERK
U.S. DISTRICT COURT

Name: ANGEL P. ABZEU
Address: P.O. Box 130
Telephone: FARMINGTON, UTAH 84025
N/A

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

NOTICE DIVISION

RECEIVED CLERK

ANGEL CHRISTOPHER ABZEU
(Full Name)
PLAINTIFF

VS.

DAVIS COUNTY
DAVIS COUNTY FAIL

DEFENDANTS

SEP 14 2021

U.S. DISTRICT COURT

CIVIL RIGHTS COMPLAINT
(42 U.S.C §1983, §1985)

CIVIL NO. _____
(Supplied by Clerk)

A. JURISDICTION

1. Jurisdiction is proper in this court according to:

- a. ☒ 42 U.S.C. §1983
b. ☐ 42 U.S.C. §1985
c. ☐ Other (Please Specify) _____

2. NAME OF PLAINTIFF ANGEL CHRISTOPHER ABZEU
IS A CITIZEN OF THE STATE OF UNITED STATES

PRESENT MAILING ADDRESS: P.O. Box 130
FARMINGTON, UT 84025

3. NAME OF FIRST DEFENDANT DAVIS COUNTY
IS A CITIZEN OF FARMINGTON, UTAH
(City and State)

IS EMPLOYED AS _____ at _____.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☐ NO ☒ If your answer is "YES" briefly explain.

4. NAME OF SECOND DEFENDANT DAVIS COUNTY JAIL
(If applicable)

IS A CITIZEN OF FARMINGTON, UTAH
(City and State)

IS EMPLOYED AS SHERIFFS DEPT. at DAVIS COUNTY JAIL.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐ If your answer is "YES" briefly explain.

BECAUSE THEY ARE ACTING DEPUTIES OF
THE DAVIS COUNTY JAIL C.E.R.T TEAM

5. NAME OF THIRD DEFENDANT _____
(If applicable)

IS A CITIZEN OF _____
(City and State)

IS EMPLOYED AS _____ at _____.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☐ NO ☐ If your answer is "YES" briefly explain.

6. NAME OF FOURTH DEFENDANT _____
(If applicable)

IS A CITIZEN OF _____
(city and State)

IS EMPLOYED AS _____ at _____.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☐ NO ☐ If your answer is "YES" briefly explain.

(Use additional sheets of paper if necessary.)

B. NATURE OF CASE

1. Why are you bringing this case to court? Please explain the circumstances that led to the problem.

SEE ATTACHED LINE PAPER

C. CAUSE OF ACTION

1. I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

a. (1) Count I: EXCESSIVE FORCE UNDER 8TH AMENDMENT

- (2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing legal authority or arguments.)

REVIEW ATTACHED LINE PAPER
TITLED B. NATURE OF CASE PAGES 1-6

b. (1) Count II: EXCESSIVE FORCE UNDER 8TH AMENDMENT

- (2) Supporting Facts: REVIEW ATTACHED LINE PAPER
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c. (1) Count III: FREEDOM OF RELIGIOUS PRACTICE

(2) Supporting Facts: REVIEW ATTACHED LINE PAPER

TITLED B. NATURE OF CASE PAGES 1-6

D. INJURY

1. How have you been injured by the actions of the defendant(s)?

MENTALLY, PHYSICALLY AND EMOTIONALLY
BOTH HANDS ARE CONSTANTLY NUMB AND
CAUSE PAIN IN ARMS DUE TO NERVE DAMAGE.
SHOULDER (LEFT) IS IN CONSTANT PAIN WITH
RESTRICTED MOVEMENT. 8 STAPLES IN
STOMACH WITH SCARRING.

E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action or otherwise relate to the conditions of your imprisonment?

YES ☐ / NO ☒. If your answer is "YES," describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Name of court and case or docket number: _____

- c. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- d. Issues raised: _____

- e. When did you file the lawsuit? _____
Date Month Year
- f. When was it (will it be) decided? _____
2. Have you previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C? YES ☐ / NO ☒. If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.

F. REQUEST FOR RELIEF

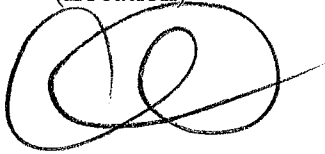
1. I believe that I am entitled to the following relief:

PAIN AND SUFFERING, MENTAL ANXIETY/DUE TO
PTSD, COMPENSATION DUE TO NERVE DAMAGE AND
POTENTIAL LOSS OF PROFESSION. AS WELL AS
TREATMENT. AMOUNT TO BE SPECIFIED AT A SETTLEMENT
CONFERENCE. MENTAL AND EMOTIONAL DISTRESS.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint, and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C. §1621.

Executed at Davis County Jail on August 28th 2021.
(Location) (Date)

A handwritten signature in black ink, appearing to read 'Angel C. Abreu', written over a horizontal line.

Signature ANGEL C. ABREU

RECEIVED CLERK

SEP 14 2021

B. NATURE OF CASE

U.S. DISTRICT COURT

ON 9/26/2020 AT APPROXIMATELY 1100 HOURS I WAS APPROACHED BY NUMEROUS CORRECTION OFFICERS WHILE I WAS LOCKED DOWN IN MY CELL. I WAS ASKED TO CUFF UP AND TOLD I WAS BEING MOVED TO FOX BEING THE S.H.U. BY DEPUTY LEWIS AND B. WHEN I ASKED WHY I WAS BEING MOVED TO A DISCIPLINARY HOUSING UNIT I WAS TOLD THAT THEY DID NOT KNOW WHY. THE REASON, WHICH I DIDN'T FIND OUT UNTIL DAYS LATER, WAS FOR ALLEGED CONTRABAND OFFICERS FOUND INSIDE MY LEGAL MAIL THAT THEY SEARCHED AND FOUND OUTSIDE OF MY PRESENCE AND LATER RESULTED IN A JAIL DISCIPLINARY WRITE-UP. I ASKED THE DEPUTIES IF I MAY ROLL MY OWN PROPERTY UP TO AVOID PICTURES OF MY SON BEING DESTROYED AS THEY WERE THE LAST TIME OFFICERS ROLLED UP MY PROPERTY. I WAS TOLD I COULD NOT BECAUSE THEY DID NOT HAVE THE TIME. I THEN EXPRESSED MY FRUSTRATION REGARDING HOW I HAVE BEEN CONSTANTLY PROFILED AND HARASSED AT THIS JAIL AS I DID SO THE OFFICERS ASKED ME IF I WOULD CUFF UP ONCE MORE. I TOLD THEM I WAS NOT GOING TO CUFF UP. ALL THE OFFICERS THEN WALKED AWAY AND I THEN COVERED MY WINDOW TO MY CELL WITH A TOWEL. FOR HOURS I WAS LEFT IN MY CELL LIKE THIS WITHOUT ANYONE CHECKING ON ME OR TALKING TO ME AND THE WATER TO MY CELL WAS TURNED OFF SO I COULDN'T EVEN FLUSH MY TOILET. I WASN'T OFFERED LUNCH OR DINNER. AND I WAS NEVER TOLD TO CUFF UP AGAIN UNTIL THE CERT. TEAM FROM DAVIS COUNTY CAME INTO THE UNIT AT APPROXIMATELY 1900 HOURS. WHEN THE CERT. TEAM CAME TO MY DOOR THEY BANGED ON IT WHILE SAYING 'INMATE ABREU THIS IS YOUR LAST AND FINAL WARNING TO CUFF UP, HOW DO YOU COMPLY?'. BEFORE I WAS ABLE TO ANSWER THEY OPENED MY CELL

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DOOR. THE FIRST OFFICER POINTED AT THE GROUND AS I WAS STANDING IN THE BACK OF THE CELL AND TOLD ME TO GET DOWN AND CUFF UP SO I GOT DOWN ON MY KNEES AS THAT OFFICER FOLLOWED BY MANY OTHERS DRESSED IN ALL BLACK RIOT GEAR RUSHED TOWARDS ME. I WAS COMPLYING AS THEY ALL STARTED GRABING ME AND ROLLING MY BODY IN DIFFERENT DIRECTIONS VERY AGGRESSIVELY. MY FACE WAS SLAMMED ONTO THE BOTTOM BUNK AND HELD THERE WITH A OFFICER'S KNEE PRESSING ON MY NECK. THE REST OF MY BODY WAS BEING HANDLED BY OFFICERS AS THEY CUFFED MY HANDS AND FEET. MY HANDS WERE CUFFED AND SO WERE MY ANKLES BUT THE OFFICER WHO WAS TRYING TO LOCK THE CUFFS WAS HAVING PROBLEMS DOING SO NOT DUE TO ANY RESISTING ON MY PART BUT BECAUSE THE CUFFS ON MY HANDS THEY USED WOULD NOT LOCK. IT WAS DURING THIS MOMENT WHEN I STARTED TO FEEL A BURNING PAIN COMING FROM MY STOMACH AS I WAS IN CUFFS WITH MY FACE BEING PRESSED INTO THE BUNK WHILE BEING HANDLED BY ALL OF THE OFFICERS. I STARTED TO SCREAM SAYING 'MY STOMACH, MY STOMACH' WHILE IN PAIN. IT WAS THEN I HEARD A OFFICER SAY 'PULL HIM OUT' AFTER I KEPT FEELING THE PAIN IN MY STOMACH AND SCREAMING FOR WHAT FELT LIKE FOREVER. WHEN THE OFFICERS COBBED ME FROM A HOB TIED POSITION I SEEN A LOT OF BLOOD ON THE FLOOR COMING FROM ME. ALL THIS HAPPENED IN UNIT QUEBEC CELL 21 ON THE SECOND TIER. I WAS THEN CARRIED BY THE CUFFS AROUND MY ANKLES AND THE CUFFS AROUND MY HANDS BEHIND MY

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BACK WITHOUT ANY SUPPORT. I WAS THEN CARRIED THIS WAY WITH MY BODY BLEEDING AND ALMOST DROPPED A FEW TIMES UNTIL THE OFFICERS GOT ME DOWN THE STAIRS TO THE STRETCHER THAT WAS SITTING IN THE MIDDLE OF THE SECTION. I WANT TO NOTE THAT I WAS 6 FOOT 3 INCHES 220 POUNDS AT THIS TIME. I GOT LIGHT HEADED AND PASSED OUT SOME TIME AFTER THAT. I CAME BACK TO IT WHEN I WAS IN THE AMBULANCE WHICH IS WHEN I REALIZED THAT I COULD NOT FEEL MY HANDS. I WAS LAYING DOWN WITH MY HANDS CUFFED BEHIND MY BACK WHILE THEY WERE NOT LOCKED FOR THE ENTIRE TIME I WAS AT THE HOSPITAL UNTIL I WAS PUT INTO A CELL AT THE JAIL HOURS LATER. I KEPT BELIEVING THE OFFICERS AND DOCTOR TO FIX THE CUFFS BECAUSE I AM A EXECUTIVE CHEF ON THE STREETS SO I WAS WORRIED ABOUT MY HANDS BUT THEY WOULD NOT ADJUST THE CUFFS. THE FARMINGTON POLICE DEPARTMENT CONDUCTED AN INVESTIGATION THAT CONCLUDED THEM NOT FINDING A WEAPON ON MY PERSON, IN MY CELL OR IN MY PROPERTY. MY TOILET DID NOT FLUSH AT THE TIME AND THE JAIL WAS ON LOCKDOWN SO THERE IS NO WAY I COULD OF HAD A WEAPON. ALSO WHEN I WAS GIVEN 8 STAPLES AT THE HOSPITAL THEY DID A MRI AND SEEN I HAD A FOLDED PAPER AND A RING INSIDE OF ME. WHEN I WAS PUT INTO A DRUG CELL RETURNING TO THE JAIL I WAS FORCED TO GET THOSE ITEMS OUT OF ME SO THEY COULD BE SEARCHED FOR A WEAPON. SGT. BAER AND DEPUTY NIX OBSERVED THIS AND CONDUCTED THE SEARCH WITH DETECTIVES. NO WEAPON WAS FOUND. I STRESS THIS BECAUSE AFTER THE INCIDENT OFFICERS CLAIMED I DID THIS TO MYSELF. I DID NOT DO THIS TO MYSELF!

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WAS ASSAULTED BY CERT. TEAM OFFICERS. I WOULD ALSO LIKE TO NOTE THAT IVE NEVER BEEN SUICIDAL IN MY LIFE AND AT THE TIME I HAD BEEN INCARCERATED FOR TWO YEARS AT THIS JAIL AND NEVER BEEN SUICIDAL OR PUT ON ANY MENTAL HEALTH EVALUATIONS BECAUSE OF SUICIDAL THOUGHTS OR WANTING TO HARM MYSELF. I WAS NEVER CRIMINALLY CHARGED FOR THE ALLEGED CONTRABAND OFFICER SAID THE FOUND BECAUSE THE COULD NOT PROVE I CONSPIRED TO INTRODUCE ANY CONTRABAND INTO THE JAIL. THE INCIDENT RESULTED IN A YEAR'S WORTH OF DISCIPLINARY SANCTION TIME WHICH I WOULD LIKE TO NOTE IS EXCESSIVE PUNISHMENT CONSIDERING THE TIME I HAD TO DO IN THE S.H.U. COMPARED TO SANCTIONS GIVEN TO OTHERS WITH ALIKE VIOLATIONS OF THE RULES AND THEM NOT RECEIVING ONE-THIRD OF THE TIME I WAS GIVEN.

AFTERWARDS I NOTICED MY HANDS STILL REMAINED NUMB FROM THE ABOVE INCIDENT AND FROM THE CUFFS NOT BEING LOCKED PAIRED UNTIL NOW I WAS CARRIED ADDED TO THE AMOUNT OF TIME THE CIRCULATION WAS CUT OFF TO MY HANDS. WHEN I STRESSED THIS TO DOCTORS AND NURSES I WAS PUT ON IBUPROFEN AND TOLD I WOULD NEED A NERVE CONDUCTION STUDY ON MY HANDS IF THE PROBLEM CONTINUED IN A MONTHS TIME. I WOULD LIKE TO NOTE THAT DR. WOODS OVERSEEN ALL OF THIS. IN A MONTHS TIME MY HANDS WERE STILL NUMB AND THE PROBLEM GOT WORSE TO THE POINT WHERE I COULD NOT AND STILL CANNOT READ A BOOK OR WRITE FOR LONGER THAN A FEW MINUTES WITHOUT A NUMBING FEELING SHOOTING UP MY ENTIRE ARM WITH A PULSING PAIN AS WELL. WHEN I EXPRESSED THIS TO DR. WOODS AND

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WHEN I ASKED ABOUT GETTING THE NERVE CONDUCTION STUDY I WAS TOLD BY DOCTOR WOODS THAT IT SOUNDED TO HIM AS IF MY CONDITION WAS GETTING BETTER. WE THEN DEBATED THAT I LITERALLY JUST EXPLAINED HOW THE SITUATION GOT WORSE SO HOW IS IT BETTER. AFTER GOING BACK AND FORTH DR. WOODS FINALLY AGREED TO LET ME HAVE A NERVE CONDUCTION STUDY DONE IF THE PROBLEM STILL EXISTED IN A FEW MONTHS TIME BEING IN JANUARY 2021. SO HE SCHEDULED ME A FOLLOW UP FOR THEN AND KEPT SAYING THINGS LIKE THIS JUST NEED TIME TO HEAL. I WOULD ALSO LIKE TO NOTE THAT WRITING THIS HAS TAKEN A LOT OF TIME BECAUSE THE PROBLEM STILL EXIST AND GETS WORSE. WHEN MY FOLLOW UP APPOINTMENT CAME I EXPLAINED HOW NOTHING WAS BETTER OR HEALED AND I ASKED ABOUT THE NERVE CONDUCTION STUDY. DOCTOR WOODS THEN SAID THERE WOULD BE NO NERVE STUDY AND THAT I JUST NEEDED TO GIVE MY NERVES TIME TO HEAL. I ARGUED THAT IVE GIVEN IT PLENTY OF TIME AND HOW IT KEEPS GETTING WORSE. DOCTOR WOODS SAID AGAIN THAT I NEED TO GIVE IT TIME AND THERE WAS NOTHING HE COULD DO. AT THIS TIME I ALSO BROUGHT UP A PAIN IN MY SHOULDER SINCE THE INCIDENT. BEFORE MY SHOULDER WAS DISLOCATED WHILE IN CUSTODY AT THE JAIL AND THE DOCTORS AT THE JAIL BEING DR. WOODS REFUSED TO ALLOW ME ANY PHYSICAL THERAPY OR A FOLLOW UP WITH A OUTSIDE PHYSICIAN AND SINCE THE INCIDENT WITH LEFT MY SHOULDER HAS BEEN HURTING SINCE WHILE RESTRICTING MY MOVEMENT. DR. WOODS ALSO SAID THERE WAS NOTHING HE COULD DO FOR THAT IN MY JANUARY FOLLOW UP. FRUSTRATED I WALKED OUT HIS PATIENT ROOM AFTER

B. NATURE OF CASE PALAT C

EXPRESSING HOW I DIDNT BELIEVE HE WAS A GOOD DOCTOR AND HOW I WOULD LIKE TO SEE A DIFFERENT DOCTOR. SINCE THEN I HAVE BEEN PUT ON A LIST AS A DOCTOR WOODS ONLY PATIENT AND THE JAIL REFUSES TO ALLOW ME TO SEE A DIFFERENT DOCTOR NO MATTER WHAT THE VISIT IS ABOUT. MY SHOULDER AND HAND ARE STILL A PROBLEM THIS DAY.

THROUGHOUT ALL OF THIS AND UNTIL RECENTLY THE JAIL AND MORE SPECIFICALLY SGT. TOWNSEND WHO WAS OVER PROGRAMS AT THE TIME REFUSED TO ACCEPT MY RELIGION AS ISLAM. THIS WENT ON FOR YEARS AND MEANWHILE I WAS REFUSED A PRAYER RUB, A QURAN, AND A PROPER HALAL DIET. THE DETAILS OF THIS ALONG WITH MY REQUESTS AND GRIEVANCES WILL BE MADE AVAILABLE WITH THIS 1983 AS SOON AS I GET THE COPIES. WITH THAT SAID I WOULD LIKE TO NOTE THAT I HAD ALL THE COPIES FROM GRAMA REQUEST TO THE JAIL REPORTS, MEDICAL, PROGRAMS, WATCH COMMANDER, THE FARMINGTON POLICE DEPARTMENT, AND THE DAVIS HOSPITAL WHERE I RECEIVED TREATMENT. SO THE DOCUMENTS DO EXIST. I SENT THE COPIES TO A FAMILY MEMBER AND IM CURRENTLY TRYING TO GET THOSE BACK OR FILE MORE GRAMA REQUESTS TO GET THE COPIES AND SEND THEM IN WITH THIS COMPLAINT BUT THAT WILL TAKE SOME TIME SO MEANWHILE I WOULD LIKE TO START THE PROCESS OF FILING THE COMPLAINT AND IF NEEDED I WILL FILE A MOTION TO ADD THOSE DOCUMENTS LATER.

C. CAUSE OF ACTION

1.17 Count #4: MEDICAL MALPRACTICE

(2) SUPPORTING FACTS: REVIEW ATTACHED LINE PAPER TITLED
B. NATURE OF CASE PAGES 1-6